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Attorneys for Plaintiff  
LUIS ALEJANDRE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LUIS ALEJANDRE,

Plaintiff,

vs.

CITY OF NAPA, NAPA POLICE OFFICER  
THOMAS KEENER, and DOES 1 through  
20, inclusive,

Defendants,

CASE NO.: 3:12-cv-04985 JCS

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING BRIEFING  
SCHEDULE AND HEARING ON  
DEFENDANTS' MOTION TO  
DISMISS AND INITIAL CASE  
MANAGEMENT CONFERENCE**

Date: November 30, 2012  
Time: 9:30 a.m.  
Courtroom G, 15<sup>th</sup> Floor

Honorable Joseph C. Spero

TO THE HONORABLE COURT:

The parties are cooperating in good faith and wish to meet and confer on the issues raised in the motion to dismiss and additional time is necessary to allow this process to be completed. Plaintiff's opposition to the Motion to Dismiss is due November 8, 2012. Plaintiff's attorney William C. Johnson currently is in trial in Napa County Superior Court in the matter of *Galvin v. Collins* (No. 26-57693), which trial is not expected to be completed until November 6 or 7, 2012.

1 Defendants' attorney Gregory M. Fox will to be out of the country from December 18, 2012  
2 through the first of January 2013, and thereafter is scheduled to commence an eight day trial in  
3 Marin County Superior Court on January 8, 2013 which was specially set by Hon. Faye D'Opal  
4 with an eight day trial estimate.

5 The parties, by and through their attorneys of record, hereby stipulate and respectfully  
6 request that the hearing on Defendants' Motion to Dismiss, currently set for November 30, 2012,  
7 be continued to February 1, 2013.

8 Plaintiff's opposition will be filed on or before January 11, 2013 and Defendants' reply  
9 will be filed on or before January 18, 2013.

10 The parties further stipulate that the Initial Case Management Conference be continued  
11 from January 4, 2013 to February 22, 2013 or a date thereafter convenient to the Court so that the  
12 ruling on the Motion to Dismiss will be determined prior to the Case Management Conference.

13 DATED: November 1, 2012

BENNETT & JOHNSON, LLP

14  
15 By: 

16 WILLIAM C. JOHNSON  
17 Attorneys for the Plaintiff  
LUIS ALEJANDRE

18 DATED: November 1, 2012

BERTRAND, FOX & ELLIOT

19  
20 By: 

21 GREGORY M. FOX  
22 Attorneys for the Defendants  
23 CITY OF NAPA and NAPA POLICE  
24 OFFICER THOMAS KEENER  
25  
26  
27  
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[PROPOSED] ORDER

Having considered the stipulated request of the parties, the Court orders as follows:

1. Defendants' Motion to Dismiss, currently set for November 30, 2012, is continued to February 1, 2013.

2. Plaintiff's opposition shall be filed on or before January 11, 2013 and Defendants' reply shall be filed on or before January 18, 2013.

3. The Initial Case Management Conference is continued from January 4, 2013 to February 22, 2013 at 1:30 p.m. in Courtroom G, 15<sup>th</sup> Floor, and the deadlines for filing the ADR Certification, Stipulation to ADR Process or Notice of Need for ADR Phone Conference, Rule 26(f) Report and Case Management Statement are continued based upon the new Case Management Conference date.

IT IS SO ORDERED.

DATED: November 5, 2012

